

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

02 Cr. 122 (JGK)

VICTOR WEXLER,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The defendant moves for an early termination of his term of supervised release. The defendant has completed his term of 24 months imprisonment and has completed approximately one year of his three-year term of supervised release. The defendant argues that his term of supervised release should be terminated because he wishes to go to California to visit his son and because he needs to travel for purposes of employment and it is inhibiting to get prior permission from the Probation Department.

The defendant has failed to show that there are any new or unforeseen circumstances that would warrant such an early termination at this time. See United States v. Lussier, 104 F.3d 32 (2d Cir. 1997). While the defendant argues that he needs greater flexibility to visit his son in California and to travel for his job, there is no reason that permission could not be obtained from the probation officer for such travel. There is no showing that the probation officer has not granted such

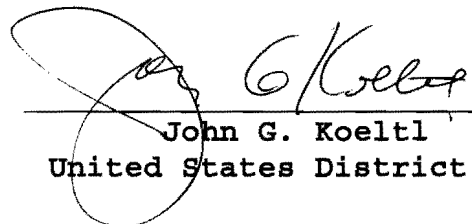
permission when sought. Any unreasonable denials could be brought to the Court's attention. Moreover, if more sustained presence in California were required, other possibilities exist, such as expanding the geographical limits of the defendant's supervised release or transferring supervision to another District.

The Court carefully determined the defendant's sentence at the time of imposition. The Court downwardly departed from the Guideline Sentencing Range to arrive at a sentence of 24 months imprisonment coupled with a three-year term of supervised release. That was a reasonable sentence under all the circumstances and there is nothing in the new submission to suggest that the sentence is not appropriate and should be changed.

The motion for an early termination of supervised release is denied without prejudice to renewal at a later time.

SO ORDERED.

Dated: New York, New York
November 16, 2011



John G. Koeltl
United States District Judge